



November 29, 2004

Division of Documents Management (HFA-230)
Food and Drug Administration
5630 Fishers Lane, RM 1061
Rockville, MD 20852

RE: Sec. 560.400—Imported Milk and Cream—Federal Import Milk Act

Dear Sirs:

On behalf of the farming and ranching members of National Farmers Union, I am pleased to respond to the Federal Register (Volume 69, Number 209, pages 63158-63159) notice and request for comments regarding the revised Compliance Policy Guide (CPG) draft relative to changes on the applicability of the Federal Import Milk Act (FIMA) to imported milk and cream.

The FIMA requires imported milk and cream receive a valid permit from the U.S. Department of Health and Human Services. The revised draft CPG proposed by the Food and Drug Administration (FDA) highlights a number of foreign dairy products allowed entry into the United States without a FIMA permit. National Farmers Union strongly opposes allowing imported food products to be sold in the United States without the inspection or permitting by a U.S. governmental agency. The revised CPG highlights an extensive quantity of imported dairy products that are allowed entry into the United States without the oversight of the FIMA; this practice potentially compromises the safety and security of dairy products sold in the United States. U.S. dairy producers are required to meet a number of stringent standards in the production of their milk and dairy products. To allow such a large quantity of potentially unsafe dairy products into the country without a FIMA permit would certainly jeopardize consumer confidence in our domestic dairy products.

In recent years, the level of U.S. security has increased to protect Americans from future terrorist attacks. The agricultural industry plays a role in ensuring the security of a safe and consistent food supply, yet the clarified CPG revisions seem counterintuitive to our homeland security efforts. Furthermore, the increase of imported dairy products places U.S. dairy producers at a disadvantage in the consumer marketplace.

Therefore, National Farmers Union urges the FDA to require FIMA permits for sour cream, cultured milk, acidified milk, yogurt, cheese, ice cream, eggnog, dried milk, nonfat dry milk, nonfat dry milk fortified with vitamins A and D, dehydrated milk products and all dairy products processed and packaged in hermetically sealed containers. We further support that FIMA permits be required for milk, lowfat milk, skim milk, fortified milk, flavored milk, concentrated milk, evaporated milk, sweetened condensed milk, ultra filtered milk, cream, half-and-half, heavy cream, light cream and light whipping cream and any other imported dairy product.

As a general farm organization dedicated to protecting and enhancing the economic well-being and quality of life of family farmers and ranchers and their rural communities, we strongly urge FDA to require that all imported dairy products meet the requirements and permitting process of the FIMA.

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Frederickson", written in a cursive style.

David J. Frederickson, President